

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

No. C-07-4145 CW (EMC)

Plaintiff,

v.

**AMENDED ORDER GRANTING
DEFENDANT'S MOTION TO CHANGE
TIME**

CALIFORNIA PUBLIC UTILITIES
COMMISSION, *et al.*,

(Docket No. 267)

Defendants.

Defendant the CPUC has filed a motion to compel, *see* Docket No. 262 (motion), which it seeks to have heard on shortened time. The CPUC argues that shortened time is necessary because it needs discovery responses from Plaintiff Donna Hines in advance of the deadline by which the parties must complete briefing on the motion for summary judgment (which it intends to file on or before March 11, 2010, in accordance with Judge Wilken's case management schedule in this case).

The Court concludes that the CPUC has provided a sufficient justification for shortened time. Because the reply brief in support of the motion for summary judgment will be due on or before April 1, 2010, proceeding on the regular thirty-five day notice period is not possible. Moreover, Ms. Hines has not provided in her opposition any substantive reason why shortened time is not appropriate. The Court further notes that a shortened briefing and hearing schedule will not unduly prejudice Ms. Hines. Under this order, Ms. Hines shall have more than a week to oppose the motion to compel.¹

¹ The CPUC served the motion to compel by mail on February 25, 2010. Under Federal Rule of Civil Procedure 6(e), Ms. Hines is presumed to have received the motion by March 2, 2010.

Accordingly, the Court hereby orders as follows.

(1) A hearing on the CPUC's motion to compel shall be heard on March 17, 2010.

(2) The opposition to the motion to compel shall be filed *and* served by March 12, 2010.

No reply shall be filed.

It is the Court's understanding that the parties in this case have not made any agreement that service in this case may be effected by e-mail or other electronic means. Because of the abbreviated schedule ordered herein, the Court orders that, **for purposes of briefing for this motion alone**, service shall be effected by (1) mailing a copy of the brief on the due date *and* (2) concurrently e-mailing or faxing a copy of the brief to the opposing party. **It is the Court's understanding that Ms. Hines does have an active e-mail account. If this is not true or no longer the case, then upon receipt of this order Ms. Hines shall immediately contact Betty Lee, the Courtroom Deputy, at (415) 522-2034.**

This order disposes of Docket No. 267.

IT IS SO ORDERED.

Dated: March 5, 2010


EDWARD M. CHEN
United States Magistrate Judge

